

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOROTHY RALL, et al.,

Plaintiffs,

v.

No. 15-cv-00518 RB/CG

HOBBS MUNICIPAL SCHOOL
DISTRICT, et. al,

Defendants.

ORDER DENYING MOTION TO STAY DISCOVERY

THIS MATTER comes before the Court on *Defendants' Motion to Stay Discovery Pending a Decision on Qualified Immunity and Other Grounds and Memorandum in Support Thereof* ("Motion"), (Doc. 22), filed October 13, 2015. As grounds for the Motion, Defendants Hobbs Municipal School District, TJ Parks, and Shelby Reeves (the "District Defendants"), and the City of Hobbs, City of Hobbs Board of Commissioners, and James Joseph Murphy (the "City Defendants") state that they have filed *Defendant Hobbs Municipal School District, TJ Parks, and Shelby Reeve's Motion and Memorandum to Dismiss Plaintiffs' First Amended Complaint and for Qualified Immunity*, (Doc. 21), and *Defendants City of Hobbs Board of Commissioners and John Joseph Murphy's Motion to Dismiss Plaintiffs' First Amended Complaint and for Qualified Immunity*, (Doc. 19), in which they assert the defense of qualified immunity on behalf of several individual defendants.

In response to Defendants' Motions to Dismiss, Plaintiffs filed *Plaintiff's Second Amended Complaint for Damages Arising From Civil Rights Violations and State tort Violations Contrary to the New Mexico Tort Claims Act* ("Second Amended Complaint"),

(Doc. 25), on October 30, 2015. Both the District Defendants and the City Defendants have since withdrawn their respective Motions to Dismiss, and have indicated that they will respond to Plaintiff's Second Amended Complaint on or before November 16, 2015. (Doc. 29 at 2). Because Defendants' Motion to Stay relies on the withdrawn Motions to Dismiss as grounds for a stay of discovery, the Court finds that Defendants' Motion to Stay is now **MOOT**.

IT IS THEREFORE ORDERED that *Defendants' Motion to Stay Discovery Pending a Decision on Qualified Immunity and Other Grounds and Memorandum in Support Thereof*, (Doc. 22), be **DENIED** at this time. Defendants may file a second motion to stay discovery based on their responsive pleadings to Plaintiffs' Second Amended Complaint when those responses have been filed.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE